

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

MAR 19 2019

David J. Bradley, Clerk

United States of America)

Elvia Yazmin RIOS Cantu, YOB: 1966, COB: Mexico)
Hennry CABRERA Ramos, YOB: 1991, COB: Mexico)
Roberto HERNANDEZ Contreras, YOB: 2000, COB: US)

Case No.

M-19-0652-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 19, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 United States Code § 554

Offense Description

Did knowingly and willfully conspired and intended to export or send from the United States, any merchandise, article, or object, to wit: approximately 10,000 rounds of .223 ammunition, 28,000 rounds of 7.62X39mm ammunition, 1,008 7.62x39mm magazines, contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 3/19/2019City and state: McAllen, Texas

Complainant's signature

Nicholas J. Ilg, HSI Special Agent

Printed name and title

Judge's signature

J. Scott Hacker, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

I, Nicholas Ilg, am a Special Agent of the United States Homeland Security Investigations (HSI) and have knowledge of the following facts. The facts related in this attachment do not reflect the totality of information known to me or other agents/officers, merely the amount needed to establish probable cause. I do not rely upon facts not set forth herein in reaching my conclusion that a complaint should be issued, nor do I request that this Court rely upon any facts not set forth herein in reviewing this attachment in support of the complaint.

- I. On March 19, 2019, Homeland Security Investigations McAllen, Texas (HSI McAllen), received information that a specific (subject) vehicle travelling from Bexar County would be transporting a large amount of ammunition to Hidalgo County with the intent of clandestinely smuggling the ammunition into Mexico. HSI McAllen and HSI Task Force Officers (TFOs) located and surveilled the subject vehicle as it travelled into Hidalgo County proceeding to a residence located at 416 30th Street, Hidalgo, Texas 78557.
- II. HSI Agents conducted surveillance of the residence, observing several males taking cardboard boxes from the subject vehicle and placing the boxes in the residence and into other vehicles parked at the residence. The subject vehicle was observed leaving the residence, proceeding north, exiting Hidalgo County.
- III. HSI Agents observed an adult male, identified as Roberto HERNANDEZ Contreras, carry several boxes from the residence and enter a blue 2001 Chrysler Town & Country (MX A-94-THP-8). HERNANDEZ was then seen removing the contents of the boxes and concealing objects within the interior paneling of the Chrysler.
- IV. HSI Agents observed HERNANDEZ drive the Chrysler from the residence to the Hidalgo, Texas Port of Entry (POE) whereas U.S. Customs and Border Protection officers (CBPOs) conducted an outbound inspection of the Chrysler as it attempted to exit the United States and into Mexico. CBPOs searched the Chrysler locating approximately 224 rifle magazines (7.62x39) concealed within the interior paneling.

ATTACHMENT A

- V. HSI Agents conducted a post Miranda interview of HERNANDEZ at the Hidalgo POE. HERNANDEZ stated he owned the Chrysler. HERNANDEZ admitted he traveled from Reynosa, Mexico into the United States to procure rifle magazines which were to be smuggled from the United States into Mexico.
- VI. HERNANDEZ stated he arranged with Henny CABRERA Ramos to meet at the residence located at 416 30th Street, Hidalgo, Texas 78557. At the residence CABRERA directed HERNANDEZ to several boxes of magazines stored within the residence, a grey minivan, and a silver sedan. HERNANDEZ proceeded to conceal the magazines within the interior panels of the Chrysler. HERNANDEZ stated he was to receive monetary payment from a coconspirator in Reynosa, Mexico. HERNANDEZ stated he had smuggled magazines from the United States into Mexico on several occasions for monetary gain. HERNANDEZ admitted he was aware it was illegal to smuggle rifle magazines and defense articles from the United States into Mexico.
- VII. HSI Agents and a uniformed Hidalgo Police Department officer approached the residence at 416 30th Street, Hidalgo, Texas 78557. At the residence, HSI Agents encountered Elvia RIOS Cantu and CABRERA. RIOS granted HSI Agents consent to search the property and the vehicles parked at the residence.
- VIII. HSI Agents conducted a post-Miranda advisement interview with RIOS. RIOS stated she received monetary payment to store large quantities of ammunition and magazines at the residence on behalf of a coconspirator in Reynosa, Mexico. RIOS stated she knew the ammunition and magazines were concealed within vehicles to be smuggled into Mexico. RIOS stated she knew smuggling the ammunition and magazines into Mexico was illegal.

ATTACHMENT A

- HSI Agents located approximately 3,000 rounds of 7.26x39 ammunition within the bedroom of RIOS.
- IX. CABRERA stated he owned the grey 2004 Mercury Monterey (MX A94-THP-8) parked within the driveway of the residence. CABRERA granted HSI Agents consent to search the Mercury. Concealed within the Mercury HSI Agents located approximately 10,000 rounds of .223 ammunition and approximately 2,000 rounds of 7.62x39 rounds of ammunition.
- X. HSI Agents conducted a post Miranda interview of CABRERA at the residence. CABRERA stated his intention was to load the Mercury with ammunition and magazines to be smuggled into Mexico. CABRERA stated he smuggled ammunition and magazines from the United States into Mexico on several occasions for monetary compensation. CABRERA admitted he was aware it was illegal to smuggle ammunition and defense articles from the United States into Mexico.
- XI. CABRERA directed HSI Agents to a silver 2008 Saturn Aura (TX B XK0573) parked between the Mercury and the residence. CABRERA stated the Saturn belonged to RIO. Through the windows of the Saturn HSI agents observed boxes imprinted with "Wolf 7.62x39" and "AK47 30RD Magazine". CABRERA stated he placed the boxes within the unlocked Saturn. HSI Agents found approximately 784 rifle magazines (7.62x39) and approximately 23,000 rounds of 7.62x39 ammunition within the Saturn.
- XII. According to the U.S. Department of State, Office of Defense Trade Controls Compliance (DTCC) ammunition and rifle magazines are determined to being defense articles described on the United States Munitions List (USML) and regulated for export pursuant to the Arms Export Control Act (Title 22 United States Code 2778).

AO 257
(Rev. 9/92)

PER 18 U.S.C. 3170

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURTBY ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT**OFFENSE CHARGED**18 United States Code, § 554
Smuggling Goods From the United States
**United States District Court
Southern District of Texas
FILED****MAR 20 2019****David J. Bradley, Clerk**Place of offense
Hidalgo, TexasU.S.C. Citation
18 USC 554☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

Name of District Court, and/or Judge/Magistrate Judge Location (City)

Southern District of Texas/ McAllen, Texas

DEFENDANT -- U.S. vs.

Elvia RIOS Cantu

Address { Reynosa, Mexico

Birth
Date☐ Male☒ Alien☒ Female

(if applicable)

(Optional unless a juvenile)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Special Agent Nicholas J. Ilg
Homeland Security Investigations (HSI)☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per
FRCrP ☐ 20 ☐ 21 ☐ 40. Show District☐ this is a reprosecution of charges
previously dismissed which
were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending
case involving this same defendantSHOW
DOCKET NO.☐ prior proceedings or appearance(s)
before U.S. Magistrate Judge
regarding this defendant were
recorded underMAGISTRATE
JUDGE CASE NO.Name and Office of Person
Furnishing Information on

THIS FORM

Special Agent Nicholas J. Ilg

☐ U.S. Att'y☒ Other U.S. AgencyName of Asst. U.S.
Att'y (if assigned)☐ This report amends AO 257 previously submitted**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome of this proceeding
If not detained, give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges ☐ Fed'l ☐ State
If answer to (6) is "Yes," show name of institution

Has detainer
been filed? ☒ Yes ☐ NoIf "Yes,"
give date
filed

3/19/2019

Mo. Day Year

**DATE OF
ARREST**

3/19/2019

Or ... if Arresting Agency & Warrant were not Federal

Mo. Day Year

**DATE TRANSFERRED
TO U.S. CUSTODY****ADDITIONAL INFORMATION OR COMMENTS**

Did knowingly and willfully conspired and intended to export or send from the United States, any merchandise, article, or object, to wit: approximately 10,000 rounds of .223 ammunition, 28,000 rounds of 7.62X39mm ammunition, 1,008 7.62x39mm magazines, contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States.